



September 30, 2019

Dear Interested Party:

Enclosed you will find for your review a draft Environmental Assessment (EA) prepared for the proposed removal of Elbow Lake Dam on the Clearwater River in Missoula County, south of Seeley Lake, MT. The project is proposed by the Montana Department of Natural Resources and Conservation (DNRC) and Montana Fish, Wildlife & Parks (FWP) to eliminate an unauthorized impoundment structure (dam) built on the mainstem Clearwater River on DNRC property.

The structure appears to be constructed of local streambed materials, which would be redistributed in the immediate vicinity within the river with an excavator to restore natural stream integrity in this reach. The structure is currently in violation under the state Natural Streambed and Land Preservation Act in Missoula County (310 Law administered through the Missoula Conservation District) and the federal Clean Water Act (404 Permitting Administered by the U.S. Army Corps of Engineers). The site also lacks DNRC authorizations including a legal water right (which would allow water impoundment and storage) and a valid land-use license for structures within the low watermarks on a navigable water in Montana (state-owned riverbed). A 2006 Montana Water Court ruling (Case 76F-22) is a primary action that directly affected the impoundment of water in this area. This ruling also indirectly affected recreational uses, as well as characteristics of waterfront properties located upstream of the cobble/rock dam.

Goals of the proposed dam removal include: (1) alleviate violations of aforementioned state and federal laws occurring on state trust property, (2) restore natural streambed conditions on the river, (3) eliminate the dam that acts as a partial barrier to the natural movement of fish and recreationists, and (4) reduce the probability of continued violations. Proposed work would be conducted at base (low) flow conditions to facilitate efficient project implementation and minimize any temporary environmental impacts.

The EA may also be obtained by mail from Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; by phoning 406-542-5540; by emailing shrose@mt.gov; or by viewing FWP's Internet website <http://fwp.mt.gov> ("News," then "Recent Public Notices"). Comments may be made online on the EA webpage or may be directed by mail or email to the addresses above. Comments must be received by FWP no later than October 29, 2019.

For more information pertaining to this proposal, please contact Ladd Knotek, FWP Fisheries Biologist (406-542-5506, lknotek@mt.gov) or Kristen Baker-Dickinson, DNRC Clearwater Unit Manager (406-244-2381, kbaker@mt.gov).

As part of the decision-making process under the Montana Environmental Policy Act (MEPA), we expect to issue the Decision Notice for this EA very soon after the end of the comment period.

Sincerely,

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